



# **PLANNING COMMISSION AGENDA REPORT**

*II.2b.*

MEETING DATE: SEPTEMBER 27, 2004

ITEM NUMBER

**SUBJECT:** PLANNING APPLICATION PA-03-59 AND TENTATIVE TRACT MAP T-16502  
2300 HARBOR BOULEVARD/380 WEST WILSON

**DATE:** SEPTEMBER 14, 2004

**FOR FURTHER INFORMATION CONTACT:** CLAIRE L. FLYNN, AICP, ASSOCIATE PLANNER  
(714) 754-5278

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## **DESCRIPTION**

The proposed eight-unit, single-family detached, common-interest development project involves the following discretionary actions:

- 1) Master Plan PA-03-59 to create a residential common interest development consisting of eight 1-story and 2-story single-family detached homes and a common lot for open space/parking/private street. A total of 40 parking spaces are proposed. (Code requires 32 parking spaces.)
- 2) Tentative Tract Map T-16502 to subdivide the project site into eight residential lots and a common lot for open space/circulation/parking purposes.

The requested General Plan Amendment and Rezone are discussed in a separate report.

## **APPLICANT**

Mark Korando, Vice President of Habitat for Humanity of Orange County, is the authorized agent for Scott Bell, ICI Development, property owner.

## **RECOMMENDATION**

As recommended by staff, recommend the following actions to City Council: (1) deny Final Master Plan PA-03-59 and (2) deny Tentative Tract Map T-16502.

  
CLAIRE L. FLYNN, AICP  
Associate Planner

  
KIMBERLY BRANDT, AICP  
Senior Planner

**PLANNING APPLICATION SUMMARY**

2300 Harbor Boulevard/380 W.

Location:

Wilson Street

Application:

GP-03-03/R-03-01/PA-03-59/T-16502

Request: Final Master Plan for eight-unit, detached single-family residential development on a 1.49-acre site

**SUBJECT PROPERTY:**Zone: 1.12-acre parcel (C1-S)  
0.37-acre parcel (R3 zone)

General Plan: General Commercial

Lot Dimensions: Irregular

Lot Area: 1.49 acres

Existing Development: Vacant, landlocked property east of Harbor Center

**SURROUNDING PROPERTY:**

North: Multi-family residential

South: Multi-family residential (condos/townhomes)

East: Commercial

West: Single-family residential (College Park)

**DEVELOPMENT STANDARD COMPARISON (PDR-LD ZONE PROPOSED)**

| Development Standard   | Code Requirement   | Proposed/Provided  |
|--|--|--|
| Lot Size<br>Lot Width<br>Lot Area  | NA<br>1 acre   | approx. 140 ft.<br>1.49 acres (64,905 sq.ft.)  |
| Lot Size – Individual Lots<br>Lot Width<br>Lot Area<br>Average Lot Size  | 40 ft.<br>5,000 sq.ft. minimum,<br>5,500 sq.ft. average lot size                         | 50 ft.<br>5,025 sq.ft. to 8,335 sq.ft.<br>approx. 6,000 sq.ft average<br>size                          |
| Density  | max. 11 dwelling units (8 du/ac)   | 8 dwelling units (5 du/ac)   |
| Open Space for Overall Project<br>Buildings (incl. porches)<br>Paving (incl. driveways, street, walkways, aprons)<br>Open Space<br>TOTAL | 45% (29,207 sq.ft.)  | 12,622 sq.ft.<br>16,619 sq.ft.<br>55% (35,644 sq.ft.)  |
| Private Open Space for Individual<br>Dwelling Unit Lots  | 40% overall, with minimum 400<br>square-foot area with no dimension<br>less than 15 feet | min. 75% overall, with minimum<br>400 square-foot area with no<br>dimension less than 15 feet          |
| Building Height:<br>One-story residence<br>Two-story residence   | two story/27 ft.   | one story/15 ft.<br>two story/22 ft.   |
| Setbacks for Individual Dwelling Unit Lot:   |  |  |
| Front  | 5 ft.  | 20 ft.   |
| Side   | 0 ft on one side/10 ft. combination<br>of both sides                                     | min. 3 ft. on one side/ min. 10 ft.<br>combination of both sides                                       |
| Rear   | 5 ft.  | min. 16 ft.  |
| Rear Yard Coverage*  | NA   | 0% to 6% rear yard coverage<br>(0 ft. – 80 sq.ft.)   |
| Parking:   |  |  |
| Covered  | 2 per unit/16 total  | 16 spaces (garage)   |
| Open   | 2 per unit/16 total  | 24 spaces<br>(16 spaces on individual<br>driveways and 8 parallel parking<br>spaces on private street) |
| TOTAL  | 32 spaces  | 40 spaces  |
| Driveway width   | 16 ft. min.  | 16 ft. min   |
| Landscape Parkways; Private Streets/Drives   | 5 ft. in front of house; 10 ft. total  | 5 ft. in front of house; 10 ft. total  |
| *In small-lot, common-interest developments, other than planned development zones, rear yard coverage requirement is maximum 25%.        |  |  |
| CEQA Status<br>Final Action  | Initial Study/Mitigated Negative Declaration<br>City Council                             |  |

**BACKGROUND**

**BACKGROUND**

On October 19, 1998, City Council approved the Harbor Center Master Plan for a multi-tenant retail center containing approximately 315,307 square feet. Home Depot is one of the primary anchor tenants at Harbor Center.

On March 1, 1999, a Settlement and Mutual Release Agreement among ICI Holdings, City of Costa Mesa, and Neighbors of Harbor Center required a sound wall along the easterly property line. Noise mitigation included: (1) Required construction of a 14-foot block wall and creation of a landscape berm between the sound wall and easterly property line; (2) Prohibited removal of 14-foot block wall unless it was replaced with a structure of equal or greater sound attenuation; (3) Required sound-attenuating gate within the 14-foot block wall; (4) Established "Area of Restricted Activity" behind Home Depot which prevented operation of trucks of class 3 or higher between: 8 p.m. and 7 a.m., Monday through Friday, and 5 p.m. to 8 a.m. on Saturday, Sunday, and Federal holidays. (Please refer to the General Plan staff report for this attachment.)

On August 31st and September 14th, community meetings were held to receive public comment on the proposed project and environmental document. The Settlement Agreement requires a community meeting to inform the Neighbors of Harbor Center of any proposal to develop the site as a residential use. Consistent with the requirements of the Agreement, the impacted community (property owners within 500-feet of project site) was notified a minimum of 10 days in advance of these meetings. (Responses to comments received during community meetings are provided separately).

**ANALYSIS*****Location***

Prior to development in the Planned Development zoning district, review and approval of a Master Plan by both Planning Commission and City Council are required. The properties located at 2300 Harbor Boulevard (1.12 acre) and 380 W. Wilson (0.37 acre) are approximately 1.49 acres (combined) in size with irregular dimensions. The proposed project also includes requests to amend the General Plan to Low Density Residential and to rezone the site to PDR-LD. Both of these requests are discussed in a separate staff report.

***Site Access***

Consideration of this Master Plan and proposed subdivision can only occur if the requested General Plan Amendment and Rezone are approved. Currently the only access to the project site is through Harbor Center. The applicant has discussed the possibility of maintaining this access as an alternative to opening Wake Forest Road, but the property owner (ICI Development) has not agreed to provide an easement for ingress/egress to the project site. Access to the project site is also not available through the multi-family residential development on West Wilson. Therefore, the proposed Master Plan requires opening Wake Forest Road to provide the only available access to the site from a public street given these constraints.

***Master Plan***

The proposed Master Plan is for an eight-unit, single-family residential, common-interest development on the 1.49-acre, vacant, land-locked site. The proposed residences will consist of five single-story units (three bedroom, two bath) and three two-story units (four bedroom, two bath) with two-car garages and individual driveways. An additional eight parking spaces will be located east of a proposed 25-foot wide private street, for a total of 40 parking spaces. Access to the project site is proposed at the western terminus of Wake Forest Road and would therefore require removal of the block wall/landscape berm in that area.

Elevations consist of wood, cement board lap siding, and concrete tile roofs. Accents will be provided by front porches and overhangs, differing roof lines, and white wooden garage doors. Building heights are shown as approximately 15 feet for the one-story homes and 22 feet for the two-story homes; a maximum 27-foot height is permitted by Code. The Site Plan/Elevations/Floor Plans are provided under separate cover. Each individual dwelling unit lot exceeds the minimum private open space as required by Code. (Refer to Planning Application Summary sheet on page 2.)

To minimize second-story mass, the City's residential design guidelines recommend that the second floor not exceed 80% of the first floor and the second story be set back an average of 10 feet from the development lot side property lines. The three two-story residences (Building Plan II) comprise a total of 1,159 sq.ft. on the ground floor (includes garage) and 580 sq.ft. (living area) on the second floor, for a 50% second floor versus first floor ratio.

To provide articulation on the side elevations along the development lot lines, the City's residential design guidelines also recommend an average side yard setback of ten feet. For the two-story homes on Lots 1 and 3, the average second-floor, side-yard setback is ten feet and therefore meets this guideline.

The overall architectural style is compatible in scale and character with existing residential neighborhoods to the south and east. The surrounding environs contain a variety of townhomes, condominiums, and single-family residences. The proposed design is consistent with the character of the community and would not have any adverse aesthetic impact.

***Noise******Noise Monitoring***

LSA Associates, Inc. collected noise data at three monitoring locations: (1) at the project site within the 14-foot high block walls; (2) at the southwest corner of the R3 zoned parcel; and (3) at the western terminus of Wake Forest Road. The Noise Technical Report is provided as Appendix B. The noise analysis evaluated the existing 2004 noise levels in order to update and verify the ambient noise levels previously recorded at the site by LSA's acoustical engineer on October 4, 2001. Noise sources during both the 2001 and 2004 monitoring days were similar, and included aircraft overflight, truck backup alarms, jets taking off and landing, warehouse activity, and Home Depot loading/unloading and parking lot activity. Vehicles on Wake Forest Road also contributed to ambient noise measured at the sidewalk.

*Acoustical Engineer's Findings*

Based on a professional and technical review of the noise monitoring data, previous Harbor Center technical noise report, and reports of noise disturbances from Home Depot, LSA's Acoustical Engineer has made the following findings:

- Updated Noise Analysis (2004) supports previous findings of Harbor Center Noise Analysis (1998). The findings of the noise monitoring results are in agreement with the conclusions made in the Noise Analysis for the Harbor Center Shopping Center (Mestre Greve Associates, September 9, 1998). Both the LSA Technical Noise Report (2004) and Mestre-Greve Report (1998) conclude that a 14-foot-high sound wall would reduce noise impacts from the Home Depot loading dock to below a level of significance.
- The second 14-foot high, easterly block wall provides negligible sound attenuation compared to the westerly wall. Noise activities from Harbor Center are primarily mitigated by the westerly 14-foot-high sound wall adjacent to the commercial center. The acoustical consultant finds that the easterly 14-foot-high wall does not provide any additional, significant sound attenuation beyond the westerly 14-foot high wall and therefore provides negligible noise protection (less than 0.5 decibel) to existing residential uses from Harbor Center activities. This conclusion is supported by field noise measurements taken both inside the project site and on Wake Forest Road. It is important to note that the easterly wall would provide sound attenuation between the proposed residential uses and the existing residences to the east of the project site.
- Existing noise impacts from Home Depot to proposed and existing residential community are considered less than significant. LSA's noise monitoring in both 2001 and 2004 measured the existing noise conditions to determine potential impacts to existing residential communities and proposed homes at the project site. The noise data collected included noise-generating activities associated with for residential uses. With compliance of the Harbor Center's conditions of approval, ongoing code enforcement as necessary, and adequate sound attenuation by the 14-foot block wall around the project site, the sound engineer concluded that noise impacts to existing and proposed residential uses are considered less than significant.
- Projected noise impacts from proposed development to existing residential community are considered less than significant. Based on the Circulation Analysis for Habitat for Humanity Costa Mesa (LSA, June 22, 2004), traffic volumes on Wake Forest Road and Fordham Drive in the project vicinity would increase as a result of project traffic. However, traffic noise increases from the proposed project are 1.0 dBA or less along these two roadways and do not exceed noise standards. Long-term uses associated with residential developments do not typically create any significant sources of stationary noise. In addition, noise characteristics associated with the project will be similar to and consistent with existing noise sources in the adjacent residential neighborhoods.
- Projected noise impacts from opening Wake Forest are considered less than significant. In order to provide access to the project site from Wake Forest Road, a portion of the 14-foot-high wall on the eastern boundary will be removed. As previously discussed, the easterly wall provides little sound attenuation effect (less than 0.5 decibel) from activities at Harbor Center, and removal of the section at the western terminus of Wake Forest Road will not diminish the effectiveness of the westerly 14-foot block wall adjacent to Harbor Center. Therefore, the proposed access will not create an increase in perceptible noise to the human ear from Home Depot activities to existing residents. Depending upon structure

size and placement, the construction of buildings between the westerly sound wall and the existing residents may also have a beneficial impact by providing an intervening object, similar to the effect a berm or hill has on shielding noise.

### ***Traffic***

As shown in the following table, the proposed eight-unit project would result in a 94 percent reduction in average daily trips (ADT) compared to the maximum buildout potential under the existing General Plan designation as a commercial use (Scenario 1). The proposed project would result in a 59 percent reduction in vehicle trips compared to a mini-warehouse use, including development of seven dwelling units on the R3-zoned parcel (Scenario 2). Please refer to the traffic table provided as Attachment 3.

### ***Parking***

For individual lots in common-interest developments, the City of Costa Mesa's parking regulations require a two-car garage with an unobstructed 20-foot x 20-foot interior dimension for vehicle parking and two open parking spaces on a minimum 19-foot long individual driveway. In these developments, required open parking may be provided on an individual unit's driveway or within the common area. The proposed Master Plan indicates that each dwelling unit will have a standard two-car garage and two open parking spaces on the driveway as required by the City's off-street parking regulations. In addition, eight parallel parking areas designed in conformance with the City's parking design standards are proposed along the east side of the proposed private street. A total of 40 parking spaces will be provided, or eight additional parking spaces above the code requirements.

### ***Amendment to Harbor Center Condition of Approval #7***

It should be noted that the Settlement and Mutual Release Agreement (March, 1999) does not prohibit opening Wake Forest Road nor any future consideration of a residential land use on the vacant site. The Agreement stipulates that "ICI [property owner] agrees that it shall not demolish or cause to be demolished that portion of the soundwall blocking access to Wake Forest Road ... except after final City approval of (and not including any judicial review thereof), a residential land use." However, Condition of Approval #7 of the Harbor Center Master Plan (PA-98-50, October, 1998) requires that "the existing access to the site from Wake Forest Road shall be closed with a solid, opaque wall at least eight feet in height from the lowest grade." Amending Condition of Approval #7 requires a notice for a public hearing specifically related to PA-98-50, and it should occur concurrent with the Planning Commission's recommendation of approval of the Final Master Plan for the Habitat project. Therefore, if Planning Commission wishes to recommend this approval, Commission must continue this item for two weeks to allow for proper noticing of a public hearing on PA-98-50. If approved, the revised condition of approval will reflect the demolition of the block wall at the western terminus of Wake Forest to provide access to the project site.

***Tentative Tract Map T-16502***

As shown in the proposed tentative tract map (attached to the working drawings), the proposed subdivision involves combining the 1.12-acre and 0.37-acre property and resubdividing the resulting parcel into 12 lots: eight numbered lots and four lettered lots, as follows:

| Lot Number  | Lot Size     | Description   |
|---|--------------|---|
| <b>Single-Family Residential Lots (approximate sizes)</b> |              |   |
| 1   | 5,847 sq.ft. | Two-story residence (1739 sq.ft, includes garage)   |
| 2   | 5,305 sq.ft. | Two-story residence   |
| 3   | 5,025 sq.ft. | Two-story residence   |
| 4   | 7,046 sq.ft. | One-story residence (1724 sq.ft., includes garage)  |
| 5   | 7,078 sq.ft. | One-story residence   |
| 6   | 7,111 sq.ft. | One-story residence   |
| 7   | 6,911 sq.ft. | One-story residence   |
| 8   | 8,335 sq.ft. | One-story residence   |
| <b>Lettered Lots</b>                                      |              |   |
| A   |              | 26-wide private street for ingress/egress/parking   |
| B   |              | Community landscaped area/open space  |
| C   |              | Pedestrian access easement to Wilson Park   |
| D   |              | Ingress/Egress access easement for emergency and security vehicle purposes/public utilities |

For small-lot subdivisions in a PDR-LD zone, Code requires a minimum lot size of 5,000 sq.ft., with an average lot size of 5,500 sq.ft. Lots range in size from 5,025 sq.ft. to 8,335 sq.ft., with an average lot size of over 6,582 sq.ft.

**ENVIRONMENTAL DETERMINATION**

An initial study was prepared, pursuant to the California Environmental Quality Act (CEQA). According to the initial study and mitigated negative declaration, which reflect the independent judgment of the City of Costa Mesa, the proposed project could not have a significant effect on the environment. Proposed mitigation measures and conditions of approvals would minimize significant impacts to below a level of significance.

**ALTERNATIVES CONSIDERED**

The Planning Commission has the following alternatives:

1. Recommend denial of Master Plan and Tentative Tract Map. As recommended by staff, Planning Commission may deny the proposed Master Plan and Tentative Tract Map. While the proposed design/density of the project is considered appropriate, redevelopment of the vacant 1.12-acre site to residential uses is not compatible with adjacent Harbor Center development. Staff has prepared a denial resolution (Attachment 1).
2. Recommend approval of Master Plan and Tentative Tract Map. Planning Commission may find that the proposed project site is suitable for residential development and that affordable housing for low-income families is an important objective in the City of Costa Mesa. If the Planning Commission supports the approval of the Final Master Plan,

conditions of approval related to the following issues will address staff's concerns on the proposed project: (1) notification of new residents of existing noise environment and previously reported violations of Harbor Center conditions of approval and (2) required assurance by Habitat that qualified Costa Mesa families be given priority in the selection process over nonresidents. Staff has prepared a resolution supporting the approval of the proposed Master Plan and Tentative Tract Map (Attachment 2). This action cannot be taken until the Planning Commission meeting of October 11, 2004, as amending the Harbor Center Master Plan condition of approval #7 would need to occur at that meeting.

## **CONCLUSION**

Staff recommends denial of the Master Plan and Tentative Tract Map due to concerns related to the site's suitability as a residential land use. However, the proposed Master Plan has been developed to satisfy the City's Residential Development Standards and Design Guidelines. If the Planning Commission deems this site as suitable for residential development, the proposed homes would be compatible with the surrounding neighborhood with respect to scale, design, and density. Special issues are addressed in the conditions of approval including: disclosure of Harbor Center Master Plan conditions and history of code violations/noise disturbances and requirement for resident parking/unobstructed vehicle parking in proposed garages.

The project approval is a larger policy decision which relates to whether or not the Costa Mesa finds that the proposed General Plan Amendment and rezone strengthen and reinforce the City's land use vision for the immediate area. The proposed project would provide home ownership opportunities for low-income families, and incidentally to seniors if they also reside with these families.

Attachments:

1. Draft Denial Resolution
2. Draft Approval Resolution
3. Traffic Table
4. Site Plan/Elevations/Floor Plans (provided under separate cover)

Distribution:

Sr. Deputy City Attorney  
Assistant City Engineer  
Staff (4)  
File (2)

Mark Korando  
Habitat for Humanity of Orange County  
2165 South Grand Avenue  
Santa Ana, CA 92705

Mick Meldrum  
2222 E. 17<sup>th</sup> Street  
Santa Ana, CA 92705

Neighbors for Harbor Center



**Attachment 1**

**Draft Denial Resolution**

**RESOLUTION NO. PC-04-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA DENYING PLANNING APPLICATION PA-03-59 AND TENTATIVE TRACT MAP T-16502 FOR THE HABITAT FOR HUMANITY RESIDENTIAL PROJECT LOCATED AT 2300 HARBOR BOULEVARD (C1-S ZONE) AND 380 W. WILSON (R3 ZONE).**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Mark Korando, Vice President of Habitat for Humanity of Orange County, authorized agent for ICI Development (property owner), with respect to the real properties located at 2300 Harbor Boulevard and 380 W. Wilson Street, requesting: (1) General Plan Amendment GP-03-03 to change the General Plan land use designations from General Commercial (2300 Harbor Boulevard) and High Density Residential (380 W. Wilson Street) to Low Density Residential and (2) rezone R-03-01 to change the zoning from Shopping Center (C1-S) and Multi-Family Residential District (R3), to Planned Development Residential-Low Density (PDR-LD);

WHEREAS, the Planning Commission recommended adoption of the initial study/mitigated negative declaration and denial of the General Plan amendment and rezone by separate resolution;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on September 27, 2004;

WHEREAS, the Planning Commission deems it to be the best interest of the City that the proposed Master Plan and Tentative Tract Map T- 16302 not be approved.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A," the Planning Commission hereby **DENIES** Planning Application PA-03-59 and Tentative Tract Map T-16502, with respect to the property described above.

**PASSED AND ADOPTED** this 27th day of September, 2004.

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Chair, Planning Commission

## **EXHIBIT "A"**

### **FINDINGS**

- A. The information presented fails to substantially comply with Costa Mesa Municipal Code. The proposed project does not comply with Section 13-29(g)(5)(a) of the Costa Mesa Municipal Code in that the proposed project fails to meet the broader goals of the General Plan and Zoning Code related to the suitability of residential land uses in proximity to existing commercial areas. Specifically, the Master Plan proposes a single-family residential community east of the Harbor Center loading dock. The noise disturbances associated with loading/unloading activities and periodic violations of Harbor Center Master Plan conditions of approval are not considered compatible with residential development. The site has historically been located within a commercial zone, and the retention of this zoning classification is considered more appropriate compared to a change to the proposed planned development residential-low density zone.
- B. The proposed project fails to comply with Costa Mesa Municipal Code Section 13-29 (e) because:
  - a. The proposed development and use is not compatible and harmonious with existing commercial uses to the west.
  - b. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered. However, the quiet enjoyment and compatibility of the proposed residential neighborhood may be adversely affected due to the proximity to the commercial use.
  - c. The project is found to be inconsistent with the General Plan policies related to the siting, location, and suitability of new residential development in proximity to existing commercial uses with ongoing noise disturbances and code violations.
- C. The information presented fails to substantially comply with Section 13-29(g)(13) of the Costa Mesa Municipal Code in that:
  - a. The creation of the subdivision and related improvements is not consistent with the General Plan and Zoning Code because the project site is not considered a suitable residential site.
  - b. The proposed use of the subdivision is not compatible with the General Plan.
  - c. The subject property is not physically suitable to accommodate Tentative Tract Map T -16502 in terms of type, design and density of development, and may result in the disruption of the quiet enjoyment of the proposed residential neighborhood, based on noncompliance with the City's General Plan.
  - d. The discharge of sewage from this subdivision into the public sewer system will not violate the requirements of the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000 of the Water Code).

**Attachment 2**

**Draft Approval Resolution**

**RESOLUTION NO. PC-04-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-03-59 AND TENTATIVE TRACT MAP T-16502 FOR THE HABITAT FOR HUMANITY RESIDENTIAL PROJECT LOCATED AT 2300 HARBOR BOULEVARD (C1-S ZONE) AND 380 W. WILSON (R3 ZONE).**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Mark Korando, Vice President of Habitat for Humanity of Orange County, authorized agent for ICI Development (property owner), with respect to the real properties located at 2300 Harbor Boulevard and 380 W. Wilson Street, requesting: (1) General Plan Amendment GP-03-03 to change the General Plan land use designations from General Commercial (2300 Harbor Boulevard) and High Density Residential (380 W. Wilson Street) to Low Density Residential and (2) rezone R-03-01 to change the zoning from Shopping Center (C1-S) and Multi-Family Residential District (R3), to Planned Development Residential-Low Density (PDR-LD);

WHEREAS, the Planning Commission recommended adoption of the initial study/mitigated negative declaration and approval of the General Plan amendment and rezone by separate resolution;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on September 27, 2004;

WHEREAS, the Planning Commission deems it to be the best interest of the City that the proposed Master Plan and subdivision be approved.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", subject to the conditions contained in Exhibit "B", and conformance with the Mitigation Measure Monitoring Program contained in Exhibit "C", the Planning Commission hereby **APPROVES** Planning Application PA-03-59 and Tentative Tract Map T-16502, with respect to the property described above.

BE IT RESOLVED that the Planning Commission does hereby find and determine that the adoption of this resolution is expressly predicated upon the activity as described in the staff report for Planning Application PA-03-59 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B" and mitigation measures contained in

Exhibit "C". Any approval granted by this resolution shall be subject to review, modification, or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval or mitigation measures.

BE IT FURTHER RESOLVED that the approval of Planning Application PA-03-59, and Tentative Tract Map, is final once all other related discretionary approvals (e.g. General Plan amendment GP-03-03 and rezone R-03-01) become effective.

**PASSED AND ADOPTED** this 27th day of September, 2004.

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Chair, Planning Commission

STATE OF CALIFORNIA     )  
  )ss  
COUNTY OF ORANGE     )

I, Perry L. Valantine, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on September 27, 2004, by the following votes:

AYES:           COMMISSIONERS

NOES:           COMMISSIONERS

ABSENT:         COMMISSIONERS

ABSTAIN:        COMMISSIONERS

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Secretary, Costa Mesa  
Planning Commission

## **EXHIBIT "A"**

### **FINDINGS**

- A. The information presented substantially complies with Costa Mesa Municipal Code. The proposed project complies with Section 13-29(g)(5)(a) of the Costa Mesa Municipal Code in that the proposed project, as conditioned, meets the broader goals of the General Plan, as amended by GP-03-03, and Zoning Code, as amended by Rezone R-03-01, by exhibiting excellence in design, site planning, integration of uses and structures and protection of the integrity of neighboring residential and commercial development. Specifically, the Master Plan review includes site planning, preservation of overall open space, landscaping, appearance, mass and scale of structures, and location of windows. Architectural articulation is provided through vertical articulation of second floors, the use of porches, and varied shapes of the buildings. The project is of a character and scale compatible with the surrounding College Park, single-family residential community to the east.
- B. The proposed project, as conditioned, complies with Costa Mesa Municipal Code Section 13-29 (e) because:
  - a. The proposed development and use are compatible and harmonious with uses both on-site as well as those on surrounding properties. Specifically, the project will provide ownership housing opportunities. Since noise and other environmental impacts related to the commercial development will be mitigated to below a level of significance, where applicable, the proposed residential development is considered a compatible land use to the existing Harbor Center commercial development to the west.
  - b. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered. Specifically, the proposed project provides individual driveways for each detached single-family residence and eight, on-street parking stalls on the proposed private street. A total of 40 parking spaces are proposed, or an excess of eight parking spaces above Code requirements.
  - c. The project is consistent with the General Plan, as amended by GP-03-01, and in conformance with the affordable housing goals of the General Plan.
  - d. The planning application is for a project-specific case and does not establish a precedent for future development.



- C. The design of the proposed eight-unit, single-family detached, common-interest development, as conditioned, complies with all applicable Residential Design Guidelines adopted by the City of Costa Mesa in that:
- a. Consideration is given to the effect of the proposed condominiums on the light, air, and privacy of adjacent properties.
  - b. Building facades and projections add interest and variety to the streetscape along the proposed private street.
  - c. Street-facing elevations incorporate enhanced detailing, front porches, and varied use of building materials.
  - d. Variation in roof orientation and pitch provide visual interest.
- D. Approval of the proposed project will allow development of additional ownership housing for low-income families, consistent with the goals, objectives, policies, and programs specified in the General Plan.
- E. The information presented substantially complies with Costa Mesa Municipal Code. The proposed project complies with Section 13-29(g)(13) of the Costa Mesa Municipal Code in that:
- e. The creation of the subdivision and related improvements is consistent with the General Plan and Zoning Code.
  - f. The proposed use of the subdivision is compatible with the General Plan.
  - g. The subject property is physically suitable to accommodate Tentative Tract Map T - 16502 in terms of type, design and density of development, and will not result in substantial environmental damage nor public health problems, based on compliance with the City's Zoning Code and General Plan.
  - h. The design of the subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision, as required by Government Code Section 66473.1.
  - i. The subdivision and development of the property will not unreasonably interfere with the free and complete exercise of the public entity and/or public utility rights-of-way and/or easements within the tract.
  - j. The discharge of sewage from this subdivision into the public sewer system will not violate the requirements of the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000 of the Water Code).
- F. The project, as conditioned, is consistent with Chapter IX, Article 11, Transportation System Management, of Title 13, of the Costa Mesa Municipal Code in that the development project's traffic impacts will be mitigated by the payment of traffic impact fees.
- G. An initial study/mitigated negative declaration was prepared, pursuant to the California Environmental Quality Act. According to the environmental document, which reflect the independent judgment of the City of Costa Mesa, the proposed project with mitigation

measures implemented could not have a significant effect on the environment. The Planning Commission adopted the initial study/mitigated negative declaration by separate resolution.

- H. The proposed project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

## EXHIBIT "B"

### CONDITIONS OF APPROVAL

- Plng.
1. The project shall comply with the project design features, conditions of approval, and mitigation measures of the initial study/mitigated negative declaration, as indicated in the attached Mitigation Measure Monitoring Program, provided as Exhibit "C."
  2. The approval of the Final Master Plan (PA-03-59) is final once the required discretionary approvals (e.g. General Plan amendment GP-03-03 and rezone R-03-01) become effective.
  3. The conditions of approval and ordinance or code provisions of Planning Application PA-03-59/Tentative Tract Map T-16502 shall be blueprinted on the face of the site plan.
  4. Applicant shall request address assignment from the Planning Division prior to submittal of working drawings for plan check. The approved address of individual units, suites, buildings, etc., shall be blueprinted on the site plan and on all floor plans in the working drawings.
  5. Prior to issuance of building permits, applicant shall contact the US Postal Service with regard to location and design of mail delivery facilities. Such facilities shall be shown on the site plan, landscape plan, and/or floor plan.
  6. Prior to issuance of building permit, the applicant shall provide proof of recordation of the Final Tract Map. One copy of the Final Map shall be provided to the Planning Division and Engineering Division. The final map shall show easements or other provisions for the placement of centralized mail delivery units, if applicable. Specific locations for such units shall be to the satisfaction of the Planning Division, Engineering Division, and U.S. Postal Service.
  7. Prior to issuance of building permits, the applicant shall contact Comcast (cable television) at 200 Paularino, Costa Mesa, (888) 255-5789 for prewiring for future cable communication service.
  8. Prior to issuance of building permits, the applicant shall provide the Conditions, Covenants, and Restrictions (CC&Rs) to the Planning Division and City Attorney's office for review and approval. The CC&Rs shall contain provisions requiring that residents maintain a 20' x 20' unobstructed area inside their garages for vehicle parking and that resident vehicles be parked in garages. Any revisions to the CC&Rs related to parking provisions must be reviewed and approved by the City Attorney's office.
  9. The applicant is required to disclose the existing noise environment with specific regard to the history of periodic violations of Harbor Center Master Plan conditions of approval. These include the past occurrences of night-time truck delivery/unloading/loading activities outside approved hours of operation, back-up beeper noise of unauthorized vehicles in the exterior loading areas, and sawing activities inside Home Depot with doors open, to all prospective buyers. Prior to the issuance of grading permits, this notice shall be reviewed and approved by the Planning Division and City Attorney's office.
  10. Applicant shall contact the Planning Division to arrange a Planning inspection of the site prior to the release of utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
  11. Applicant shall provide proof of establishment of a homeowners association prior to release of any utilities.
  12. There shall be no nighttime lighting, except for security purposes, of common

outdoor recreational areas. Any lighting under the control of the applicant shall be directed in such a manner so as to not unreasonably interfere with the quiet enjoyment of nearby residences.

13. Applicant shall defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers and employees from any claim, action, or proceeding (collectively referred to as "proceeding") brought against the City, its elected and appointed officials, agents, officers or employees arising out of City's approval of the project, including but not limited to any proceeding under the California Environmental Quality Act. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the City and/or the parties initiating or bringing such proceeding. This indemnity provision shall include the applicant's obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth in this section.
14. Grading, materials delivery, equipment operation, or other construction-related activity shall be limited to the hours of 7:00 a.m. to 8:00 p.m., Monday through Friday, and the hours of 8:00 a.m. to 6:00 p.m. on Saturday. Construction is prohibited on Sundays and federal holidays. Exceptions may be made for activities that will not generate noise audible from off site, such as painting and other quiet interior work
15. Prior to issuance of grading permits, the Developer shall submit to the Development Services Director a construction plan, developed with the cooperation of the Harbor Center property owner to the maximum extent practicable. This construction plan would feature methods to minimize disruption of the College Park community through specified measures, such as construction parking and vehicle access through Harbor Center or other practical methods to delay opening Wake Forest until the latter phases of construction. The construction plan shall specify staging areas, delivery & hauling truck routes, and off-street parking areas for volunteers and construction workers.
16. Prior to the issuance of building permits, the Applicant/Developer shall provide Conditions, Covenants, and Restrictions (CC&Rs) to the Development Services Director and City Attorney for review and approval. The CC&Rs must be in a form and substance acceptable to, and shall be approved by, the Development Services Director and City Attorney. The CC&Rs shall contain provisions that effectively notify new property owners of the following: (1) proximity of Harbor Center, specifically Home Depot and its loading/unloading area to project site; (2) nature of loading/unloading activities associated with Harbor Center activities; and (3) restrictions on specific noise generating activities occurring at Harbor Center. Any subsequent revision to the CC&Rs related to this notification provision must be reviewed and approved by the City Attorney's office becoming effective.
17. Prior to issuance submission of 100% complete construction drawings, applicant shall provide assurances to the City, in a form and manner acceptable by the City Attorney's office, that qualified Costa Mesa residents be given priority over nonresidents during the selection process for the proposed homes.
19. A screen shall be provided a reasonable height to ensure construction dust and debris are contained as much as possible to prevent impacts from construction on neighboring properties.
- Eng. 20. Applicant shall comply with the requirements contained within the letter prepared

- by the City Engineer, dated September 16, 2004.
21. Applicant shall apply for and obtain approval of a Tentative Parcel Map for an approximately 16-foot wide rectangular strip at the western terminus of Wake Forest. No sale, lease or other transfer of any interest in the lots of the subdivision shall occur until applicant has acquired sufficient right across this parcel, currently designated as the wall/landscaped berm area ("Lot D" of the tentative map), to provide access from the public right of way, (i.e., Wake Forest) to Lot A (of the tentative map) for the eight lots in the subdivision.
- Transp. 22. Applicant shall fulfill mitigation of off-site traffic impacts at the time of issuance of Certificate of Occupancy by submitting to the Planning Division the required Traffic Impact Fee pursuant to the prevailing schedule of charges adopted by City Council. The Traffic Impact Fee is calculated based upon the average daily trip generation rate for the proposed project and includes a reduction for any previously existing use. At the current rate, the Traffic Impact Fee is estimated to be \$3,325. Refer to the Traffic Study for the average daily trip generation amount for the proposed project. Note: The Traffic Impact Fee will be required at the time of issuance of Certificate of Occupancy based upon any changes in the prevailing schedule of charges adopted by City Council and in effect at that time.
23. Consistent with the City's Parking Design Standards, applicant shall provide parking stall dimensions on site plan for all parallel parking spaces. Applicant shall also indicate the following on the site plan: 35' x 10' turnaround area for Lot 8 to provide forward motion for exiting vehicles and minimum 25' distance from far side of drive aisle of Lots 1 and 3.
- Police 24. Prior to issuance of 100% complete construction drawings, applicant shall work with the Costa Mesa Police Department to implement any recommended security measures, where possible.
- Fire 25. Applicant shall provide approved smoke detectors to be installed in accordance with the 2004 Edition of the Uniform Fire Code.

**EXHIBIT "C"**  
**MITIGATION MONITORING PROGRAM**

| Environmental Section                                 |   | Timing                               | Responsible Party   |
|---|---|--------------------------------------|---------------------|
| Standard  | Conditions, Best Management Practices, and Requirements   |                                      |                     |
| <b>Aesthetics:</b>                                    |   |                                      |                     |
|   | <ul style="list-style-type: none"> <li>Prior to the issuance of grading permits, the project applicant shall submit a final landscape plan to the City for Approval.</li> </ul>   | Prior to issuance of grading permits | Applicant/Developer |
|   | <ul style="list-style-type: none"> <li>Prior to the issuance of grading permits, the project applicant shall submit a Lighting Plan for the approval of the City of Costa Mesa Building Safety Division demonstrating compliance with the following measures:               <ul style="list-style-type: none"> <li>The mounting height of lights shall not exceed 25 feet in any location on the project site.</li> <li>All site lighting fixtures shall be provided with a flat glass lens. Photometric calculations shall indicate the effect of the flat glass lens fixture efficiency.</li> <li>Lighting design and layout shall limit spill light to no more than 0.5 foot-candle at the curbline of the surrounding neighbors, consistent with the level of lighting that is determined necessary for safety and security purposes on site.</li> <li>Houses shall use low reflective glass and building materials to minimize daytime glare to the extent possible.</li> </ul> </li> </ul>    | Prior to issuance of grading permits | Applicant/Developer |
| <b>Air Quality (Short-term construction impacts):</b> |   |                                      |                     |
|   | <ul style="list-style-type: none"> <li>Prior to the issuance of grading permits, the project applicant shall provide proof to the Planning Division that all construction bid packages are required to include a "Diesel Fuel Reduction Plan." This plan shall identify the actions to be taken to reduce diesel fuel emissions during construction activities (inclusive of grading and excavation activities). Reduction in diesel fuel emissions can be achieved by measures including but not limited to the following:               <ul style="list-style-type: none"> <li>Use of alternative energy sources, such as compressed natural gas or liquefied petroleum gas in mobile equipment and vehicles;</li> <li>Use of "retrofit technology," including diesel particulate traps, on existing diesel engines and vehicles; and</li> <li>Other appropriate measures. The Diesel Fuel Reduction Plan shall be filed with the Planning Division and implemented during</li> </ul> </li> </ul> | Prior to issuance of grading permits | Applicant/Developer |

|   |                             |                     |
|---|-----------------------------|---------------------|
| <p>grading and construction.</p> <ul style="list-style-type: none"> <li>• Prior to the issuance of grading permits, the project applicant shall provide proof to the Planning Division that all construction bid packages are required to include a "Construction Emissions Reduction Plan" demonstrating that during construction activities, the contractor shall implement the following measures to reduce construction equipment emissions: <ul style="list-style-type: none"> <li>◦ Maintain construction equipment engines by keeping them tuned.</li> <li>◦ Use low sulfur fuel for stationary construction equipment as required by SCAQMD Rules 431.1 and 431.2.</li> <li>◦ Use existing power sources (i.e., power poles) when feasible. This will minimize the use of higher polluting gas or diesel generators.</li> </ul> </li> </ul>   |                             |                     |
| <b>Cultural Resources:</b>  |                             |                     |
| <ul style="list-style-type: none"> <li>• In the event that archaeological materials are encountered during grading and construction, all construction activities shall be temporarily halted or redirected to permit the sampling, identification, and evaluation of archaeological materials as determined by the City, who shall establish, in cooperation with the project applicant and a certified archaeologist, the appropriate procedures for exploration and/or salvage of the artifacts.</li> </ul>   | During Grading/Construction | Applicant/Developer |
| <ul style="list-style-type: none"> <li>• In the event that paleontological resources are encountered during grading and construction operations, all construction activities shall be temporarily halted or redirected to permit a qualified paleontologist to assess the find for significance and, if necessary, develop a PRIMP for the review and approval of the City prior to resuming excavation activities.</li> </ul>  |                             | Applicant/Developer |
| <ul style="list-style-type: none"> <li>• If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 24 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.</li> </ul> |                             | Applicant/Developer |
| <b>Noise:</b>   |                             |                     |
| <ul style="list-style-type: none"> <li>• Grading, materials delivery, equipment operation, or other construction-related activity shall be limited to the hours of 7:00 a.m. to 8:00 p.m., Monday through Friday, and the hours of 8:00 a.m. to 6:00 p.m. on Saturday. Construction is prohibited on Sundays and federal holidays. Exceptions may be made for activities that will not generate noise audible from off site, such as painting and other quiet interior work</li> </ul>  |                             |                     |

|  |  |   |
|--|--|---|
| <ul style="list-style-type: none"> <li>• Prior to issuance of grading permits, the Developer shall submit to the Development Services Director a construction plan, developed with the cooperation of the Harbor Center property owner to the maximum extent practicable. This construction plan would feature methods to minimize disruption of the College Park community through specified measures, such as construction parking and vehicle access through Harbor Center or other practical methods to delay opening Wake Forest until the latter phases of construction. The construction plan shall specify staging areas, delivery &amp; hauling truck routes, and off-street parking areas for volunteers and construction workers.</li> <li>• Prior to the issuance of building permits, the Applicant/Developer shall provide Conditions, Covenants, and Restrictions (CC&amp;Rs) to the Development Services Director and City Attorney for review and approval. The CC&amp;Rs must be in a form and substance acceptable to, and shall be approved by, the Development Services Director and City Attorney. The CC&amp;Rs shall contain provisions that effectively notify new property owners of the following: (1) proximity of Harbor Center, specifically Home Depot and its loading/unloading area to project site; (2) nature of loading/unloading activities associated with Harbor Center activities; and (3) restrictions on specific noise generating activities occurring at Harbor Center. Any subsequent revision to the CC&amp;Rs related to this notification provision must be reviewed and approved by the City Attorney's office becoming effective.</li> </ul> | <p>Prior to issuance of grading permits</p> <p>Prior to the issuance of building permits</p> | <p>Applicant/Developer</p> <p>The Applicant/Developer</p> |
| <b>Public Services:</b>  |  |   |
| <ul style="list-style-type: none"> <li>• Prior to issuance of occupancy permits, the Developer shall pay a school impact fee currently calculated at \$1.84 per square foot.</li> </ul>  | Prior to issuance of occupancy permits   | Applicant/Developer                                       |
| <ul style="list-style-type: none"> <li>• Prior to issuance of occupancy permits, the Developer shall pay a park impact fee currently calculated at \$5,481.72 per dwelling unit.</li> </ul>  | Prior to issuance of occupancy permits   | Applicant/Developer                                       |
| <b><u>Mitigation Measures</u></b>  |  |   |
| <p><b>Hydrology and Water Quality:</b></p> <p><b>Mitigation Measure 1 –</b></p> <p>WQ-1 The Developer shall demonstrate to the City that coverage has been obtained under the State General Construction Activity NPDES Permit by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board (SWRCB) and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) number or other proof of filing. The plan shall reduce the discharge of pollutants to the maximum extent practical using management practices, control techniques and systems, design and engineering methods, and such other provisions as are appropriate. A copy of the SWPPP shall be kept at the project site and shall be available to the City Field Engineer upon request appropriately remediated, and confirming that all underground storage tanks, underground fueling facilities, products, and lines have been removed.</p>   | <p>Prior to issuance of grading permit</p>   | <p>Applicant/Developer</p>                                |
| <b>Hydrology and Water Quality:</b>  |  |   |



|  |  |  |
|--|--|--|
| <p><b>Mitigation Measure 2 –</b></p> <p><b>HY-1</b> Prior to the issuance of a grading permit or building permit, whichever occurs first, the City of Costa Mesa Public Services Department shall review and approve the applicant's drainage study for the project. The drainage study shall be prepared by a registered Civil Engineer in the State of California to the satisfaction of the Public Services Department. The study shall be based upon the latest edition of the Orange County Hydrology Manual and shall include an analysis of 10-, 25-, and 100-year storm frequencies. Any off-site and on-site drainage improvements required by the study shall be prepared by a registered Civil Engineer in the State of California.</p> | <p>Prior to issuance of grading permit</p> | <p>The City of Costa Mesa Public Services Department</p> |
|--|--|--|

# ATTACHMENT 3

## TRAFFIC TABLE

|   | DEVELOPMENT<br>POTENTIAL  | AM PEAK<br>HOUR | PM PEAK<br>HOR | AVERAGE<br>DAILY TRIPS |
|---|---|-----------------|----------------|------------------------|
| <b>EXISTING GENERAL COMMERCIAL LAND USE</b>   |   |                 |                |                        |
| <b>SCENARIO 1</b>   |   |                 |                |                        |
| Existing General Plan With<br>Commercial Uses &<br>High Density Residential   | 19,166 sqft building<br>(FAR 0.30)<br><br>7 dwelling units<br>(20 units/ac) | 38              | 126            | 1,375                  |
| <b>SCENARIO 2</b>   |   |                 |                |                        |
| Existing General Plan With Mini-<br>Warehouse Use &<br>High Density Residential   | 48,060 sqft building<br>(FAR 0.75)<br><br>7 dwelling units<br>(20 units/ac) | 17              | 19             | 190                    |
| <b>PROPOSED LOW DENSITY RESIDENTIAL LAND USE</b>  |   |                 |                |                        |
| <b>SCENARIO 3</b>   |   |                 |                |                        |
| Proposed General Plan Under<br>Maximum Buildout   | 11 dwelling units<br>(8 units/acre)   | 8               | 11             | 105                    |
| <b>SCENARIO 4*</b>  |   |                 |                |                        |
| Proposed Project With 8-Unit<br>Buildout  | 8 dwelling units<br>(8 units/acre)  | 6               | 9              | 77                     |
| Notes: Scenario 4 represents the proposed project. Detailed traffic analysis for the proposed eight-unit development is provided in the initial study/mitigated negative declaration. |   |                 |                |                        |